



FOR IMMEDIATE RELEASE
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GOVERNOR SIGNS EMPLOYER SANCTIONS BILL

PHOENIX – Governor Janet Napolitano today has signed a tough, new law that imposes penalties on employers who hire illegal immigrants. At the same time, the Governor announced she is willing to call for a special session of the Arizona State Legislature to repair defects in the bill.

In a written statement accompanying House Bill 2779, the Governor said she took the tandem action because Congress has failed miserably. She wrote, “Immigration is a federal responsibility, but I signed HB 2779 because it is now abundantly clear that Congress finds itself incapable of coping with the comprehensive immigration reforms our country needs. I signed it, too, out of the realization that the flow of illegal immigration into our state is due to the constant demand of some employers for cheap, undocumented labor.”

House Bill 2779 takes the most aggressive action in the country against employers who knowingly or intentionally hire undocumented workers. The new law requires employers to verify that the people they employ are present in the country legally; knowing or intentional failure to do so will cause the employer’s business licenses to be suspended. A second offense can result in the “business death penalty” – permanent revocation of an employer’s licenses to do business in Arizona.

Yet, the bill also contains flaws that must be addressed:

- The bill should protect critical infrastructure. Hospitals, nursing homes and power plants could be shut down for days because of a single wrongful employment decision.
- The revocation provision is overbroad, and could cause a business with multiple locations to face shutdown of its entire operation based on an infraction that occurred at only one location.
- The bill is underfunded. Even though the Attorney General’s office must establish an entirely new database and must investigate complaints statewide, only \$100,000 is appropriated for that purpose. Only \$70,000 is appropriated to notify employers of the change in the law.
- There is no expressed provision protecting Arizona citizens or legal residents from discrimination under the terms of this bill.
- There is even a typo that has to be fixed. The bill cites the wrong portion of a federal law.

The Governor wrote, “We must not harm legitimate Arizona employers and employees as we seek to curb illegal employment practices.”

The bill’s provisions do not take effect until January of 2008, allowing ample time for the state legislature to pass the necessary improvements to the law. The Governor is willing to call for a special session to occur sometime this fall, but will not set the specific date until she has had the opportunity to consult with legislative leaders. The purpose of the special session will be clear: to correct and clarify the law, not to undercut it.

Today, the Governor also signed Senate Bill 1265 and House Bill 2467. SB 1265 deals with bail for illegal immigrants. Under the law, courts must deny bail to those charged with a felony and who are believed to be in the country illegally. This bill conforms Arizona law more closely to federal law, and aligns with the intent of Proposition 100 passed by voters last year.

HB 2467 requires individuals to show documentation of legal citizenship to receive state services, per the provisions of Proposition 200, which was approved by voters in 2004.

Along with signing 2779, the Governor also sent a letter to U.S. Senate Majority Leader Harry Reid, and Speaker of the House Nancy Pelosi. In it, she asks for improvements to the ‘Basic Pilot’ program – the federal database used to verify legal status.

The Governor has directed Leesa Morrison, Director of the Arizona Department of Homeland Security, and Roger Vanderpool, Director of the Arizona Department of Public Safety, to intensify efforts related to intercept fraudulent documents used in the business of illegal immigration, and to conduct training with businesses to aid them in detecting fraudulent documents.

Finally, in a letter to the Special Agent in Charge for Immigration and Customs Enforcement in Arizona, Alonzo Peña, the Governor asked that the state be notified when his officers encounter evidence of employers knowingly or intentionally employing illegal immigrants.

Copies of the signing statements and letters are attached.

For more information about the Office of the Governor, please visit www.azgovernor.gov.